



**Office of the Attorney General
State of Texas**

DAN MORALES
ATTORNEY GENERAL

September 28, 1993

Mr. Anthony Grigsby
Executive Director
Texas Water Commission
P.O. Box 13087
Austin, Texas 78711-3087

OR93-595

Dear Mr. Grigsby:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former V.T.C.S. article 6252-17a).¹ Your request was assigned ID# 20276.

The Texas Water Commission (the "commission") received an open records request, dated March 11, 1993, for "any and all records of complaints received by the [commission] in connection with the matters discussed in the Executive Director's Preliminary Report and Petition . . . forwarded to Betaco by letter dated January 26, 1993." Although the commission released some of its records in response to this request, you did not request a decision from this office with regard to other records coming within the ambit of the request until May 12, 1993, long after the commission's receipt of the open records request. Consequently, you failed to request a decision within the ten days required by section 552.301(a) (former section 7(a)) of the act.

Section 552.301(a) of the act requires a governmental body to release requested information or to request a decision from the attorney general within ten days of receiving a request for information the governmental body wishes to withhold. When a governmental body fails to request a decision within ten days of receiving a request for

¹The 73rd Legislature has repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46, at 988. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

information, the information at issue is presumed public. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App. - Austin 1990, no writ); *City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d 316, 323 (Tex. App. - Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982). The governmental body must show a compelling interest to withhold the information to overcome this presumption. *See id.*

You have not shown compelling reasons why the information at issue should be withheld. The information is presumed to be public and must be released. Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Rick Gilpin
Assistant Attorney General
-Open Government Section

RG/RWP/rho

Ref.: ID# 20276
ID# 22319

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